

04/13/01  
JC984 U.S. PTO

04-13-01

Docket No. 2976-4039US1  
Express Mail No. EL 853 257 504 US

  
27123  
PATENT TRADEMARK OFFICE

Box Sec A

**↑AFFIX CUSTOMER NO. LABEL  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

jc984 U.S. PTO  
09/834597  
04/13/01  


Commissioner for Patents  
**Box Patent Application**  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Tim Keith  
324 North Road,  
Bedford, MA 01730  
USA

(2)

Additional inventors are listed on a separate sheet

For: NOVEL HUMAN GENE RELATING TO RESPIRATORY DISEASES, OBESITY,  
AND INFLAMMATORY BOWEL DISEASE

Enclosed Are:

198 page(s) of specification  
1 page(s) of Abstract  
11 page(s) of claims  
157 sheets of  Formal  Informal drawings  
       page(s) of Declaration and Power of Attorney

Unsigned  
 Newly Executed  
 Copy from prior application  
 Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))

Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

Microfiche Computer Program (Appendix)

154 page(s) of Sequence Listing

computer readable disk containing Sequence Listing

Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

Assignment Papers (assignment cover sheet and assignment documents)

A check in the amount of \$40.00 for recording the Assignment

Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.

Assignment Papers filed in the parent application Serial No. \_\_\_\_\_.

Certification of chain of title pursuant to 37 C.F.R. §3.73(b)

Priority is claimed under 35 U.S.C. §119 for:

Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).

Certified Copy of Priority Document(s) [\_\_\_\_\_]

filed herewith

filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

English translation document(s) [\_\_\_\_\_]

filed herewith

filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

Priority is claimed under 35 U.S.C. §119(e) for:

Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.

- Information Disclosure Statement
  - Copy of [\_\_\_\_\_] cited references
  - PTO Form-1449
  - References cited in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
  - A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.
  - A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
  - A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- Preliminary Amendment
- Return receipt postcard (MPEP 503)
- This is a  continuation  divisional  continuation-in-part of prior application serial no. 09/548,797, filed April 13, 2000, to which priority under 35 U.S.C. §120 is claimed.
  - Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- The status of the parent application is as follows:
  - A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
  - A copy of the Petition for Extension of Time in the co-pending parent application is attached.
  - No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- Transfer the drawing(s) from the parent application to this application
- Amend the specification by inserting before the first line the sentence:  
This is  continuation  divisional  continuation-in-part of co-pending application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$710.00/355.00
Total Claims	171- 20 =	151x	\$18.00/ \$9.00	\$ 2710.00
Independent Claims	20- 3 =	17x	\$80.00/ \$40.00	\$ 1360.00
<input checked="" type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$270.00 (\$135.00)		\$ 270.00
				<b>TOTAL:</b> \$ 5,058.00

Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith  
\$ \_\_\_\_\_.

A check in the amount of \$5,058.00 in payment of the application filing fees is attached.

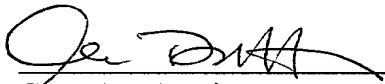
Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4039US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: April 13, 2001

By:

  
Caryn DeHoratius  
Registration No. 45,881

Correspondence Address:

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345 Park Avenue  
New York, NY 10154-0053  
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27123

PATENT TRADEMARK OFFICE

PATENT  
Docket No. HUM00-03IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tim Keith et al. Group Art Unit: TBA  
 Serial No. : To Be Assigned Examiner: TBA  
 Filed : April 13, 2001 (Herewith)  
 For : **Novel Human Gene Relating to Respiratory Disease, Obesity, and Inflammatory Bowel Disease**

jc984 U.S. PTO  
09/034597  
04/13/01

Commissioner of Patents  
Washington, DC 20231

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EL 853 257 504 US

Date of Deposit April 13, 2001

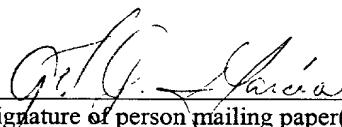
I hereby certify that the following attached paper(s) or fee

- 1) Utility Patent Application containing 210 total pages, including: 198 pages Specification, 11 pages Claims, 1 page Abstract; there are 157 sheets of Drawings (Figs. 1-43);
- 2) Sequence Listing (154 pages; 3.5 inch Floppy Disk);
- 3) Statement Under CFR 1.821-1.825 (2 pages);
- 4) Utility Patent Transmittal (4 pages);
- 5) Filing Fee (check for \$5,058.00);
- 6) Return Postcard

is/are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: **BOX: PATENT APPLICATION, Commissioner of Patents, Washington, D.C. 20231.**

F.J. GARCIA

(Typed or printed name of person mailing paper(s) or fee)

  
 (Signature of person mailing paper(s) or fee)

CORRESPONDENCE ADDRESS:

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 New York, New York 10154  
 (212) 758-4800  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 2976-4039US1

In re patent application of

KEITH, TIM

Serial No. Unassigned

Filed: Concurrently Herewith

For: NOVEL HUMAN GENE RELATING TO RESPIRATORY DISEASES AND OBESITY

STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and

3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

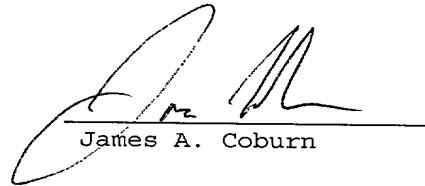
Serial No. Unassigned

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

April 10, 2001

Date



A handwritten signature in black ink, appearing to read "J. Coburn".

James A. Coburn

**HARBOR CONSULTING**  
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